

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY BEEDLE,

Plaintiff,

CIVIL ACTION NO. 05 CV 70430 DT

v.

DISTRICT JUDGE ARTHUR J. TARNOW

DR. DEMASI, DR. DOANE, DR. CRAIG MAGISTRATE JUDGE VIRGINIA M. MORGAN  
HUTCHINSON, CORRECTIONAL  
MEDICAL SERVICES, DEBRA KRUG,  
G. ROBERT COTTON CORRECTIONAL  
FACILITY HEALTH CARE,

Defendants.

/

**ORDER DENYING MOTION FOR SERVICE BY U.S. MARSHAL**

This matter comes before the court on Plaintiff's Request That the Court Direct Service on Defendants, Dr. Craig Hutchinson and Dr. Rocho DeMasi be Effectuated by a United States Marshal filed April 11, 2005. Plaintiff asserts that he has unsuccessfully attempted to serve these defendant on several occasions.

In a separate Report and Recommendation, the court concluded that plaintiff failed to state a claim on which relief may be granted against Dr. Hutchinson. Accordingly, the court recommended that the complaint be dismissed with prejudice as to him. Thus, plaintiff's motion for an order directing the Marshal to effect service is moot as to Dr. Hutchinson.

With regard to Dr. DeMasi, as plaintiff correctly notes in his motion, he is not proceeding *in forma pauperis* in this matter and, therefore, he is not entitled to have the U.S. Marshal effect service upon the defendants. Rather, it is plaintiff's responsibility to do so. Accordingly, IT IS ORDERED that the motion is **DENIED** as to Dr. DeMasi.

s/Virginia M. Morgan  
VIRGINIA M. MORGAN  
UNITED STATES MAGISTRATE JUDGE

Dated: June 3, 2005

**Proof of Service**

The undersigned certifies that a copy of the foregoing report and recommendation was served on the parties and attorneys of record by electronic means or U.S. Mail on June 3, 2005.

s/Jennifer Hernandez  
Case Manager to  
Magistrate Judge Morgan